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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/044,334

01/11/2002

Garritt C. Binder

SYR-001.01

8001

7590

03/17/2006

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EXAMINER

SCUDERI, PHILIP S

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/044,334

Applicant(s)

BINDER, GARRITT C.

Examiner

Philip S. Scuderi

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 2 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

On 09 March 2006 Foley Hoag, LLP informed the examiner that the Office action mailed on 27 February 2006 has been received, but that Foley Hoag, LLP withdrew as applicant's attorney on 16 December 2003. This Office action replaces the Office action mailed on 27 February 2006. Accordingly, applicant's period for response begins on the mailing date of this Office action.

#### *Claim Objections*

Claims 2 and 11 are objected to for minor informalities. The examiner suggests either removing the phrase "the following" or moving the colon from after the word "comprises" to after the word "following".

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-14, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,272,542 (hereinafter "Barnes").

Regarding claims 1 and 10, Barnes teaches a method of communication over a network, the method comprising:

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receiving at a server (61) an HTTP request from a client (11) over a network connection (column 7, lines 29-33);

receiving at the server notification of an event asynchronous to the receipt of the HTTP request (column 5, lines 26-45; column 21, line 60 – column 22, line 14); and

sending an HTTP response to the client in response to the notification of the asynchronous event over the network connection (column 21, line 60 – column 22, line 14).

Regarding claims 2 and 11, Barnes teaches that the HTTP request comprises at least one of a GET message and a POST message (column 7, lines 29-33).

Regarding claims 3 and 12, Barnes teaches receiving at the server asynchronous notification comprises receiving notification via an API (figure 6, 101).

Regarding claims 4 and 13, Barnes teaches that the server notification comprises identification of a client (column 6, lines 10-13; column 8, line 5).

Regarding claims 5 and 14, Barnes teaches that sending the response comprises sending an event code (i.e., an event as binary code) (column 5, lines 26-45).

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Regarding claims 7 and 16, Barnes teaches sending an HTTP response to the client before receiving the asynchronous notification (column 7, lines 33-36).

Regarding claims 8 and 17, Barnes teaches that sending the response before receiving the asynchronous notification comprises sending the response before expiration of a connection time-out value (column 8, lines 40-50).

Regarding claims 9 and 18, Barnes teaches determining the connection time-out value (column 8, lines 40-50).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes.

Regarding claims 6 and 15, Barnes does not expressly disclose the format of the real-time information provided by the resource servers. The examiner takes official notice of the widespread use of documents that provide links to further information (e.g., a PDF file with a link to a company

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website). Given this information, it would have been obvious to provide the updated information in such a format, thereby providing convenient links to further information.

### *Conclusion*

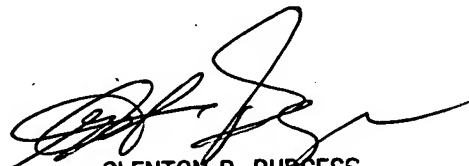
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS

  
GLENTON B. BURGESS  
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